

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

BRIAN J. WILLIAMS,

Plaintiff,

vs.

MICHAEL J. ASTRUE,  
Commissioner of Social  
Security,

Defendant.

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No. 4:07-CV-1649 (CEJ)

**MEMORANDUM AND ORDER**

This matter is before the Court on defendant's motion to amend and alter the judgment pursuant to Fed.R.Civ.P. 59(e). Plaintiff opposes the motion and the issues are fully briefed.

**I. Background**

On January 28, 2009, the Court remanded this matter for an award of disability benefits based upon a period of disability beginning on January 1, 1995. The Court determined that the record contained substantial evidence that plaintiff satisfied the requirements of Listing 12.05(C). Defendant moves to amend and alter the judgment, pursuant to Rule 59(e), requesting that the Court recognize that: (1) plaintiff's disability onset date is April 5, 2005, because the doctrine of *res judicata* applies to the period from January 1, 2005, through April 4, 2005; and (2) plaintiff's 1996 IQ test scores cannot be used to determine whether plaintiff meets Listing 12.05(C). Defendant also moves that the Court remand this matter to obtain additional IQ testing.

**I. Legal Standard**

Rule 59(e) was adopted to clarify a district court's power to correct its own mistakes in the time period immediately following entry of judgment. Innovative

Home Healthcare, Inc. v. P.T.-O.T. Associates of the Black Hills, 141 F.3d 1284, 1286 (8th Cir. 1998). Rule 59(e) motions serve the limited function of correcting “manifest errors of law or fact or to present newly discovered evidence.” United States v. Metropolitan St. Louis Sewer District, 440 F.3d 930, 933 (8th Cir. 2006) (citations omitted).

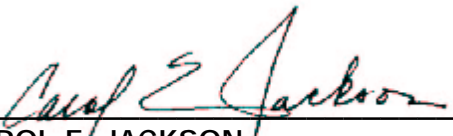
## **II. Discussion**

Plaintiff does not oppose an amendment changing his disability onset date to April 5, 2005. However, plaintiff does oppose the remainder of defendant’s motion to amend and alter the judgment. Because the Court has already considered and rejected defendant’s arguments regarding the “currency” requirements for plaintiff’s IQ scores (See Memorandum and Order dated January 28, 2009), the Court will not address the remaining arguments set forth in defendant’s motion.

Accordingly,

**IT IS HEREBY ORDERED** that defendant’s motion to alter and amend the Judgment dated January 28, 2009 [Doc. #35] is **granted with respect to the disability onset date.**

**IT IS FURTHER ORDERED** that the defendant’s motion is **denied in all other respects.**

  
CAROL E. JACKSON  
UNITED STATES DISTRICT JUDGE

Dated this 6th day of April, 2009.